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THE ANTI-TRUST DECISION. — Since the Supreme Court of the United States declared the Income Tax unconstitutional, it has given no decision which has aroused so much general interest as that in the case of *United States* v. *The Trans-Missouri Freight Association*, 17 Sup. C. Rep. 540. Its immediate effect has been to unsettle the whole of the railway business of the United States; and many of those who ought to know prophesy nothing less than a financial disaster to the country, unless the court changes its position, or Congress passes a new statute to fit the case. Even if one is inclined to believe the result to be unfortunate, the question remains whether the Court or Congress is to blame. The next number of the HARVARD LAW REVIEW will contain a leading article discussing this subject.

THE REGISTRATION OF LAWYERS. — A bill providing for the registration of lawyers has recently been introduced into the New York Legislature. Embodying in its essential features certain suggestions made at the last annual meeting of the New York Bar Associaton, the proposed law requires every attorney regularly admitted to practice in courts of record to enroll his name in the office of the clerk of the county in which he resides; and directs that, from the authentic lists thus obtained by the various county clerks, the clerk of the Court of Appeals shall make up the "Official Register of Attorneys and Counsellors at Law in the State of New York."

While the bill, as introduced, may perhaps be open to criticism as to several matters of detail, the general plan itself certainly indicates a step in the direction of conservative legal reform. Under conditions now existing in many States, it is often exceedingly difficult to ascertain definitely whether a certain individual, holding himself out to the world as an attorney at law, has actually been admitted to the bar. As the natural result of this state of affairs, many unscrupulous and ignorant parties masquerade as "lawyers," to the injury of the unsuspecting classes in the community, and to the disgrace of the profession itself. Were it only easier to detect

these pretenders, it is believed that every honest lawyer would make it his business to investigate suspicious cases coming within his notice, and a carefully formulated system of registration seems to furnish him with the necessary assistance in accomplishing this purpose.

The hearty support accorded this plan by the profession in New York is but further evidence of a progessive spirit which might well be emulated in other jurisdictions. Medical practitioners, looking to their own welfare and to the protection of the public, have already provided a registry system; but the legal profession, similarly, would not only add to its own dignity, but increase its usefulness to society, by securing the adoption of some such plan as that outlined in the New York measure, and by rigidly enforcing its requirements in letter and spirit.

CHARGING THE JURY. — The numerous comments made in newspapers and legal periodicals upon the charge to the jury in the trial of the Bram murder case, and upon the opinion of the court on refusing a new trial, bring into notice the marked difference in practice between the Federal courts and most State courts with respect to the judge's commenting upon the evidence in the charge. There can be little doubt that the charge in this case was entirely unexceptionable, according to the rule laid down in the Federal courts. Following the established English rule, the Supreme Court of the United States has often held that it is proper for the judge, and sometimes even incumbent upon him, to express in his charge to the jury his own opinion of the weight of the evidence that has been offered, and of the facts which he considers it to prove, provided always that he clearly instructs the jury that the determination of all questions of fact is left to their own independent judgment. In almost all State jurisdictions on the other hand, an increasing jealousy of the possible influence of the judge upon the jury's verdict has by various means made any expression of opinion by the judge upon questions of fact a ground for exceptions. In several States, such as Arkansas, California, Nevada, South Carolina, Tennessee, and Washington, any comment upon the evidence by judges in charging a jury, is prohibited by the State Constitution. In very many other States, of which Massachusetts is one, the same result is reached by a statute. To allow exceptions upon such grounds, in the absence of any statutory provision, would seem to be an unwarrantable departure from the old common law view, which was that it was the duty of the judge to assist the jury in the determination of matters of fact by his advice, founded on his extensive experience and his superior training in habits of logical thought. How positive and urgent such advice may be, when the jury are at the same time instructed that the final decision is left entirely to their judgment is a question which must always depend to some extent on the temper of the courts, and of the community in which they administer justice; and accordingly even the Federal courts are more inclined to restrict the action of judges in this respect than are the English courts. The effect of the statutes referred to is to prevent the court from in any way aiding the jury in the determination of matters of fact, and to render it extremely difficult for a judge to sum up the evidence without laying his charge open to exceptions. It is certainly the opinion of many lawyers that juries are more apt to go wrong in their verdicts under this rule of practice than under the rule of the Federal and of the English